

MEMORIAL for the Burghs of Regalities, Baronies, and others Unfree-Traders.

Before the Communication of Trade, all persons that were not Burgeses Indwellers in Royal Burrows, had no Liberty of Trade, but what was allowed them by the Act of Parliament 1690.

By the Burrows Act and Contract entered into with Mr. John Buchan Agent to the Royal Burrows, dated at Dundie 13. July 1692. The said Mr. John Buchan did make offer and became obliged to relieve the Royal Burrows of 10 pound of the hundred of the Tax-Roll, and that not only for the Proportion of the Kings Cels, laid or to be laid on the Royal Burrows, answering to the said ten pound: But likewise for the samen Proportion and relief of the missive Dues yearly, in use to be imposed by the Burrows amongst themselves: For the which Cause they they did give and dispoise to the said Mr. John the sole and universal power competent to the Royal Burrows, for executing the Act of Parliament 1690, with the Act of Convention of Burrows of the date the 10. July 1691. against all unfree Traders and trading, as the said Contract provided to continue for three years, and two years further at Mr. Johns Option in it self more fully bears, which Act and Contract was ratified by the Act of Parliament 1693. And after the Expiration of the said Tack, the Communication of Trade is declared to continue, and be perpetual to the Burrows of Regalities, Barronies and others, upon their paying or Relieving the Royal Burrows of a just Proportion of the 100 lib. of the Tax-Roll imposed upon them by Act of Parliament, effeiring and corresponding to their Trade; Which Proportion is to be equally condescended upon by the Royal Burrows, at their first general Meeting, after the Expiration of the said Contract,

As for the five years of Mr. Buchans Tack which is ratified by the Parliament, wherein the Burghs of Regalities, Baronies and others were to pay 10. lib. of the 100. of the Tax-Roll, which was more reasonable to be payed for these five years, then two pounds now, because they were made free of the Penalties in the Acts of Parliament for their using of unfree Trade. and had the Benefit of the Communication for ever; So it is highly reasonable, seing Mr. John Buchan has been at so much trouble and expense, that he should be Reimbursed by these who had the Benefit by the Communication.

And seing the Parliament has been pleased, as in the said Act (with the Royal Burrows consent, to perpetuat the Communication of Trade, which is so much for the Interest of the Nation, and benefit of Trade, that it cannot be supposed any man who wishes his Countries well, will part with it, so the only thing necessaris, to lay down such Measures as may take the former Difficulties out of the way, and clear Marches in time coming.

The Act of Burrows, and Contract with Mr. Buchan, (tho managed by him with Discretion) has made great Noise and Trouble in the Countrey, the Causes whereof are. 1. It was not clear who were lyable as Unfree-traders, whether Exporters, Importers of Goods, and Retailers of Forraign Commodities, or if Exporters and Importers of all Goods and Merchandises contrair to all Law upon people within Shires and Burrows without telling them so much as what they desired they should pay. 3. The greatness of the Quota taken by Mr. Buchan, which was meerly done by the influence of some of the Royal Burrows, who were against the Communication, and supposed that Mr. Buchans taking a great Quota, for the Unfree-traders would force them rather to abandon their Liberty, than to undertake so unreasonable a Quota.

These three being the great Reasons of the Clamor.

To the first and great one. viz. Whether Retailers of forraign Commodities imported by Freemen shall be lyable in payment of a proportion of the Quota, or if only these that are the Exporters and Importers be lyable.

By the Act of Parliament 1690, in favours of the Royal Burrows, Retail is declared free to all the Leidges, so could not be communicat by the Royal Burrows to the Unfree-Traders, and tho it were not free (as it certainly is) it were the Traders interest to have it so, because the encouraging of Retailers, is without doubt the Advantage of the Importers, for the more that is retailed, there is the more benefit by Importing, and the Retailers will certainly give the more for what they buy to retail, if they be free of Burden for the same.

When the Parliament has declared Retailers free, then its humbly expected they will be pleased to consider what Proportion of the 100 lib. of the Tax-roll should be payed by the unfree Traders, now when Mr. John Buchans Tack is expired.

By the Act of Parliament 1693. the Royal Burrows are allowed at their first general meeting after the Expiration of Mr. John Buchan his Tack to condescend upon the Proportion to be payed by unfree Traders equally effeiring and corresponding to their Trade and in case of a mistake or an unequality, the Burrows of Regalities, Baronies and others

unfree Traders; are allowed to apply themselves to the Parliament for regulating and determining the foresaid *quota*, according as they shall see just.

And being the Royal Burrows (at their first general meeting after expiring of the foresaid Contract with Mr. *John Buchan*) has not only continued the 10. *lib.* of the 100. *lib.* of the tax roll ; And also a Proportion of the missive Dues corresponding thereto, which is the Tack-duty payable by Mr. *Buchan* for the 5. years of his Tack ; But likewise have put on three pound ten shilling of the Tax-roll more : And also a Proportion of the missive Dues corresponding thereto, tho' it cannot be alledged, that the Burghs of Regalities, Baronies and others, have the forty part of the Trade, and tho' they had the forty part of the Trade, yet they ought not to pay the 40. part of the Burden, because the Royal Burrows have their Lands and several other things, for which they pay and ought to pay Cels ; And which the Burrows and others aforesaid either have not, or do pay Cels for with the Shires.

If this be contraverted, the only way to clear the Trade of the Royal Burrows, and what the Burrows of Regalities, Baronies and others have, is by the Custom House Books, either in the time of former Tack-men, or now when the Customs is in the Burrows own hands : But it is obvious to any man, that has the least view of the Trade of the Nation, that what is above represented is true.

If once the *quota* to be payed by the Burghs of Regalities, Baronies and others, be condescended on by the Parliament, then the dividing of that *quota* amongst the several Shires conform to the Trade, may be done by an Commission of Parliament, and when that is done, then the Representatives of the Traders within the several Shires, may be appointed to meet, and adjust the Proportion of the *quota* amongst themselves.

If the *quota* to be payed by unfree Traders be altered by the Royal Burrows the time they alter their own Stent Rolls, which is at the end of every five years it is reasonable that the Burghs of Regalities, Baronies and others aforesaid, have a Representation with them at their Meetings of Burrows, at least corresponding to the *Quota* they pay : But if the Royal Burrows shall refuse this, then it is reasonable that the *Quota* upon unfree Traders cannot be heightened by the Royal Burrows, and the rather because they have abused the Trust given them by the Act of Parliament 1693. anent the regulating the *Quota* to be payed by the unfree Traders, after the Expiration of Mr. *Buchan's* Tack.

If there be a Representation allowed to the unfree Traders, the Members to represent them may be elected by a Representative from every Shire to meet at a certain place sometime before the Meeting of the Royal Burrows, for altering the Stent Roll.

Though the Nation have now better reason to know the Royal Burrows way of Management, by their extending their pretended Power over all, yet all that is now alledged to be done, is no greater Oppression than was practised by some Burrows Royal against their Neighbours for many years before the Communication of Trade, so the Communication ought to be preserved, for the Benefit of the Nation, and Bounds set to Royal Burrows that they cannot get over.

It is believed that Mr. *John Buchan* is guilty of the several Faults committed in the Country, which is a mistake, for he gave no Warrant for what was contrair to Law, and upon Tryal he will be found very free, and that those Abuses were committed by some Royal Burrows who had Right from him, by order of the Convention of the Royal Burrows ; And it is not to be deuyed that there were no Complaints of such Abuses while he had the Management.

If it should be said by the Royal Burrows, that the altering the *Quota* upon the Burghs of Regalities, Baronies and others, now, conform to the Trade they have, will make a Confusion, and prejudice the inbringing of the Kings Cels : It is answered, that the Parliament may appoint the Provost of *Edinburgh* to call a Convention of Burrows within some short time, for adjusting the *Quota* amongst themselves, which will obviate that Difficulty.

If it be alledged, that the Burghs of Regalities and others aforesaid, should bear a Proportion of the missive Dues effecting and corresponding to the *Quota* they pay, because these missive Dues are made up of the Expenses given out by the Agent of the Royal Burrows, for the general Interest.

It is Answered, that if they pay a part of the missive Dues, they must have a Representation with the Royal Burrows, not only when they alter the Stent-Rolls, but in all their Meetings and the Agent to the Royall Burrows must be obliged to do, and depurse Money for these that take the Benefit of the Communication, as he does for the Royal Burrows.